

ORIGINAL

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Southern District of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA, :
-----x

Plaintiff, :
-----x

- v. - :
-----x

MARY A. PHIFER, :
-----x

Defendant. :
-----x

JUDGE BRIEANT

COMPLAINT

07 CV 5577

Plaintiff United States of America (the "United States"), by and through its undersigned attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, complaining of the defendant, alleges upon information and belief that:

1. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1345.
2. Defendant resides at 164 Spring Street, Ossining, New York 10562, within the Southern District of New York.
3. Pursuant to the provisions of Pub. L. No. 105-392 (1998), 42 U.S.C. § 293d, as amended, and the regulations promulgated thereunder at 42 C.F.R. Part 57, the defendant applied for and received from the United States Department of Health and Human Services, an agency of the United States, a Financial Assistance for Disadvantaged Health Professions Students Scholarship ("FADHPS") Program covering tuition and other reasonable

educational expenses, in the total principal amount of \$43,080.00. A true and correct copy of the Student Agreement for Primary Health Care Service is attached hereto as Exhibit A and incorporated herein.

4. By accepting the aforementioned awards, defendant was obligated: (a) to attend a participating health professions school on full-time basis and maintain "good standing" at this school; and (b) until completion of the service obligation under the Agreement, keep the school informed at all times of any change in student status, address, telephone number, name, and personal references; and (c) complete the educational program for which the scholarship was awarded; and (d) if attending a school of allopathic or osteopathic medicine, within four years of completing the educational program complete a three-year residency training program in allopathic or osteopathic family medicine, internal medicine, pediatrics, combined medicine/pediatrics, or preventive medicine approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA), or a general practice residency program approved by the AOA, including participation in a rotating or primary health care internship approved by the AOA; and (e) practice in one of the primary health care specialities identified above for five years after completing the aforementioned training.

5. Defendant failed to fulfill her FADHPS obligation by not entering into and completing a three year residency training program in allopathic or osteopathic family medicine, internal medicine, pediatrics, combined medicine/pediatrics, or preventive medicine approved by the ACGME or the AOA, or a general practice residency program approved by the AOA, including participation in a rotating or primary health care internship approved by the AOA. By reason of his failure, the United States is entitled to recover the total scholarship amount, plus interest, amounting to \$94,986.74, as of June 5, 2007.

6. The defendant is indebted to the United States in the principal amount of \$43,080.00, plus interest in the amount of \$51,906.74, as of June 5, 2007, with interest accruing thereafter at the rate of 13.875 percent per annum. A Certificate of Indebtedness from the Department of Health and Human Services is attached hereto as Exhibit B and incorporated herein.

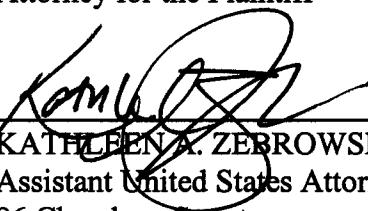
7. No part of this indebtedness has been paid.

WHEREFORE, plaintiff demands judgment against the defendant in the amount of \$94,986.74, plus interest as of June 5, 2007, at the rate of 13.875 percent per annum to the date of judgment and interest from the date of judgment as provided by law, together with its costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York

June 8, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the Plaintiff

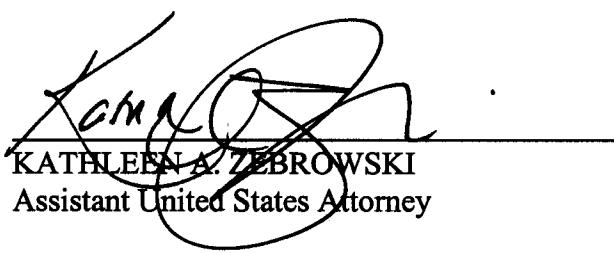
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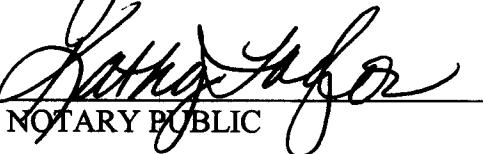
VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

KATHLEEN A. ZEBROWSKI, being duly sworn, deposes and says that she is an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York, that she has read the foregoing complaint, and that the same is true and accurate to the best of her knowledge and belief.


KATHLEEN A. ZEBROWSKI
Assistant United States Attorney

Sworn to before me this 8th
day of June, 2007


NOTARY PUBLIC

KATHY TAYLOR
Notary Public, State of New York
No. 01TA5077230
Qualified in Kings County
Commission Expires May 5, 2007